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SUBJECT: THE U.S. - CANADA BORDER IN 2007: GROUND TRUTH AND
POLICY IMPLICATIONS (PART I OF III - SUMMARY, CONCLUSIONS,
AND RECOMMENDATIONS

SUMMARY

1. (SBU) Managing U.S.-Canada relations means managing the border. It's that simple. And that makes the border the number one priority for Mission Canada. For the past year dozens of officers from the Embassy and our seven consulates have fanned out across Canada to observe the border and discuss border issues with citizens and officials of both Canada and the United States. Their conclusions and analysis are collected here, together with recommendations on how we can better manage our compelling national interest along this vital frontier.

2. (SBU) In general, the border works well, but there are places where increases in traffic and trade amidst aging or outdated infrastructure are causing unnecessarily long wait times. We saw significant but piecemeal progress in border modernization. We learned that the United States and Canada view the border differently, both in terms of its importance and the relative prioritization of security and openness, but both countries highly value the north-south linkages and the unique cross-border communities that dot the frontier. We found that each border crossing has its own unique personality, which requires policy and regulatory flexibility to manage well. We saw that the current environment is dominated by WHTI and the new post-9/11 security measures, particularly unilateral initiatives from the U.S. side. Finally, the sense we got from the ground was that the security threat is real but manageable without resorting to draconian, disruptive procedures.

3. (SBU) A number of concrete recommendations flow from these conclusions. First, both countries need to more systematically manage improvements to border infrastructure. Secondly, we need to focus constantly on port of entry staffing, which can be a major factor in managing border flow. Thirdly, the two governments should continue an open dialogue on how to further the agenda on cooperative policing and information sharing. Fourth, we must inform the public in real time about changes, security, and regulations affecting the border. Finally, we need a more systematic way to manage bilateral border issues, something akin to the Bilateral Consultative Group on counter-terrorism, which convenes all agencies on an annual basis to review issues and advance the agenda. Maintaining the historically unique cross-border travel and trade relations, while ensuring

security of both countries is all about managing change, and we hope that this cable will contribute to our ability to do so.

14. (SBU) This is a three-part cable series. Part I covers the summary, conclusions, and recommendations. Part II reviews ports of entry, the economy, and environmental issues. Part III involves immigration, First Nations issues, WHTI, and cross border law enforcement.

AMBASSADOR'S INTRODUCTION

15. (SBU) On behalf of Mission Canada, I would like to invite anyone with even a passing interest in our northern border to peruse the year-long project we have just concluded to get a clearer snapshot of our border in the year 2007. You can get a clearer snapshot of our border in the year 2007. You can access detailed reports submitted throughout the course of the year on our classified web site (<http://ottawa.state.sgov.gov>), and there is an extensive power point presentation on our State Department SBU intranet website under the Political Affairs Section - Reports and Cables (<http://ottawa.state.gov>) that provides a unique visual image of the border in 2007.

16. (SBU) This time last year, first in response to concerns on the part of Canadians and Americans from all walks of life and second as a contribution to implementation of the Western Hemisphere Travel Initiative, this Mission embarked on a nationwide, integrated border reporting project. We traveled to almost every border crossing, talked to officials involved in border management, and visited communities in both countries most directly affected by new border measures. We

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heard how important it was to "get the border right"; we heard how the border is "priority one"; and we heard how the way of life among border communities was changing. We saw how some new measures such as improved border infrastructure, additional lanes, plazas, and other equipment have made it easier to get across the border. However, we also saw long back-ups and increasing inspections. We found towns with libraries which straddle the border and others which could only be reached by traveling through the other country. We visited border crossings marked by a chain across a dirt road and others with 14 inspection booths for truck lanes.

17. (SBU) The end result is a historic snapshot of our northern border in the year 2007. It is a border at a crossroads, still in transition, moving away from the pre-9/11 optimism of open borders, with increasing volumes of just-in-time deliveries and communities connected by junior hockey and shopping, towards the concept outlined 5 years ago of a "smart border" that uses technologies to strengthen our border security while facilitating legitimate trade and travel. The evolving vision that is captured here is of an intertwined frontier whose potential can only be realized through fulsome cooperation and constant attention by Canada and the U.S.

COMMON THEMES AND CONCLUSIONS

18. (SBU) As dozens of officers representing six agencies traveled from the Embassy and our seven consulates to visit border posts and meet with citizens whose lives are affected by the border, they found a series of common themes:

-- When It Works (which It Usually Does), It Works Well; When It Doesn't Work, It Is Awful: In general we found a disconnect between the rhetoric of a "thickening of the border," in which longer lines and bureaucratic delays make border crossings more difficult, and the reality that the border in most places runs smoothly. There are situations when the border simply can't handle the traffic volume,

however. Southbound delays of over two hours at some of the major bridge crossings in Ontario were reported over the 2007 Labor Day weekend, for example. Customs and Border Protection (CBP) inspection booths were fully staffed, but heavy volumes of traffic choked approach ways and slowed movement miles before the bridges. The heavy traffic resulted from holiday weekend travel, a strong Canadian dollar, and fabulous back-to-school sales at malls in New York and Michigan, overwhelming the existing physical infrastructure at the border crossings. (Comment: The Canada Border Services Agency, CBSA, reported northbound delays of from two - three hours as Canadians came home after Labor Day. End comment.) Those places where thousands of vehicles are funneled into a narrow border crossing will require significant investments to make them capable of handling the crush of people traveling over holidays, or to witness major sporting or cultural events.

-- Each Border Crossing Is Unique: The difference between small, intimate border crossings in isolated areas of the West and upper Northeast, and the industrial style crossings of the Great Lakes region, is huge. This leads each border crossing to take on its own distinct personality: bridges and tunnels are operated by different governance structures, each crossing has its own infrastructure issues, and relations among local communities are distinct. Solutions to border issues should be very flexible to take account of this great diversity.

-- The U.S. and Canada Weigh the Border Differently: To Canadians, 90% of whom live within 100 miles of the border, keeping the border open and moving smoothly is a major national issue, because Canada is one large border community. This is not true for the United States, where only a fraction of the population lives near the northern border and only a few major cities, such as Detroit and Buffalo, are actually on the border. The relative difference in prioritization of border issues often makes resolution of border issues inherently unequal.

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-- Core Border Priorities also Differ: The most obvious disconnect between the two countries is in their relative priorities on the border. For Canada the number one priority is the free flow of people and goods in both directions. For America the top priority is security. Canadians see the border as something to be kept as invisible as possible. Post 9/11, Americans see the border as a last line of defense, the final place to check people or things coming into the country.

-- For Both Countries, North-South Beats East-West: The pull of the border is clear on both sides - an American living in northern Vermont is more economically integrated with a Quebecer across the border than with his fellow countryman in Indiana, while a Canadian in Vancouver would feel more comfortable with someone from Seattle than with a Manitoban. Distinct cross-border cultures have been built up over several centuries and they are highly valued by those who belong to them, although arguably more by Canadians than Americans. People on both sides believe these special relationships are worth preserving.

-- Progress or Modernization Has Been Significant, but Piecemeal: There has been a vast amount of border modernization by both countries. The largest positive impact has come from enhanced infrastructure like the new truck plaza at the Champlain/LaColle crossing south of Montreal. There have also been significant advances in facilitating crossing and travel, like combining air, land, and sea components of the NEXUS trusted traveler program. But the progress has not been comprehensive and has rarely been part of a strategic plan, instead depending on local or regional initiatives.

-- Biggest Negative Is Unilateral Initiatives: The most common refrain we hear from business is, "When are you going to stop?" Business figures complain about new security initiatives that make crossings more difficult, or more costly: the surprise APHIS inspection fee, the Bio-Terrorism Act, impending WHTI implementation, Hazmat ID for truckers, etc. At the low end, these unilateral U.S. initiatives that have not been well explained in Canada lead to frustration and distrust, at the high end to avoidance of the border. To Canadians, the trend in the U.S. seems to be moving in the direction of increasing unilateralism, without advance consultation with the Canadians, compared to the immediate post-9/11 period when the joint shared border programs were launched. We can combat this misperception by increasing the interaction of U.S. agencies involved in border enforcement with their Canadian counterparts. Canadians have so far (1) complained about new programs, but then (2) buckled down and figured out how to comply with the new requirements.

-- Border Threat Is Real but Manageable: The border threat stems from two key factors: 1) the inability to police such a wide area of complicated geography, and 2) a handful of extremists who make use of legal protections to continue to operate freely in Canada. The issue is exacerbated by the inability of the U.S. and Canada to fully share law enforcement and terrorist information. The best defense in the face of these realities is better intelligence and cooperative policing.

RECOMMENDATIONS FOR MANAGING CHANGE

19. (SBU) If there is one key to keeping the border open without sacrificing the safety of our citizens, it is managing change -- change in infrastructure, change in border crossing procedures, and change in the nature of cross-border communities. All must be managed flexibly, transparently, and inclusively. Emerging from this project are several recommendations for how we can best manage the many changes that will face us across the border.

-- Keep an Eye on Infrastructure: There are at any given time dozens of infrastructure projects underway along the border - from large-scale endeavors such as enhancements to the Detroit-Windsor bridges, to renovations of small border crossing posts in rural areas. Canada is fairly strategic

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about how these projects are planned and tracked, while the U.S. side is decentralized. We should consider taking a more strategic approach to infrastructure, since this will, in many places; determine how well the border works. A northern border infrastructure coordinator in Washington could help coordinate major border infrastructure projects to ensure they are synchronized, progressing, and successful.

-- Keep Staffing Levels Up: Adequate port of entry staffing is key to facilitating crossings while ensuring security along the land border. The minimum time needed to process persons applying to enter the U.S. is fairly fixed. Once a passenger vehicle reaches the inspection booth, the query process is oftentimes completed in seconds, not minutes. However, if lines begin to form long distances from the inspection booths, and travelers see that only half of the booths are open, they are bound to be frustrated. There are simply few ways to cut corners on border staffing, and when staffing is not adequate, the result is delays. Port of entry staffing levels must have sufficient flexibility to cover seasonal variations and shifting travel patterns, including holidays in both countries. (Comment: Despite the long backups experienced by Ontario border operators this past summer, border operators were generally complimentary of U.S. CBP's quick response time to fully staff available booths when backups were forming. And, to be fair to CBP and

CBSA, we understand that high traffic volumes during peak times may overwhelm existing infrastructure, causing lines to form even with all booths fully staffed. End comment.)

-- Continue to Press for Cooperative Policing: The key imperative for cross-border security will be continuing to develop a mechanism for cooperative cross-border law enforcement. We have scratched the surface, with Integrated Border Enforcement Teams, Shiprider Proofs of Concept, and the Cross Border Crime Forum. But all venues to date have involved either temporary or partial integration. We should work toward the kind of cooperation and integration of U.S. and Canadian law enforcement officials that we have had for military cooperation through NORAD.

-- Improve Information Sharing: Improved sharing of actionable law enforcement information is a key near-term goal. We currently share threat information but often do not share the kind of background that would allow the other side to develop a full threat picture. Part of the difficulty, of course, is that the Canadian Charter of Rights sets forth very strict right-to-privacy requirements. Our law enforcement efforts on both sides of the border would benefit from a mechanism that would help us to get beyond the fallout from the Arar affair and engage in a free and continuous exchange of information on the entire range of cross-border law enforcement and counter-terrorism issues.

-- Improve the Flow of Public Information: Border rumors and lack of full information about upcoming regulation changes hurt us. The resulting uncertainty causes citizens to delay or cancel travel, and leads to back ups at border crossings or cancel travel, and leads to back ups at border crossings as unprepared travelers do at the customs booth what they could have done in advance in preparation for travel. We need new and better ways to communicate changes to border requirements, which should be announced well in advance and kept on track once announced. We should aim for a regime of "no surprises."

-- Finally, Keep Each Other Informed: We should also enhance our border consultative mechanisms. We have the Permanent Joint Board of Defense for military cooperation, the Bilateral Consultative Group for counter-terrorism cooperation, the Energy Consultative Mechanism for energy issues, and the International Joint Commission for boundary water management. Given the complexity of the border and the many agencies and equities involved, an annual meeting along the lines of the other successful bilateral mechanisms we have with Canada could go a long way to bringing a strategic focus to our management of the border. We might, for example, enlarge the number of agencies participating in meetings of CBP's and CBSA's Shared Border Accord Coordinating Committee (SBACC) to include all of those with a role to play in managing the border. Messages II and III of

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this three-part message contain the full report of our year-long investigation of the U.S.-Canada border in 2007.

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